United Nations A/61/PV.82

General Assembly
Sixty-first session

Official Records

82nd plenary meeting
Wednesday, 20 December 2006, 10 a.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

The meeting was called to order at 10.20 a.m.

Agenda item 68

Report of the Human Rights Council

Report of the Third Committee (A/61/448 and Corr.2)

The President: The Assembly has before it two draft resolutions recommended by the Third Committee in paragraph 28 of its report and a draft decision recommended by the Committee in paragraph 29 of the same report.

I should like to inform members that action on the draft decision, entitled "Report of the Human Rights Council", has been postponed to a later date to allow time for a review by the Fifth Committee of the programme budget implications of the draft proposal contained in the report of the Human Rights Council. The Assembly will take action on the draft decision as soon as the report of the Fifth Committee on the programme budget implications is complete.

The General Assembly will first consider draft resolution I.

The General Assembly is meeting today to adopt the draft International Convention for the Protection of All Persons from Enforced Disappearance. The practice of enforced disappearance is still widespread throughout the world. Unfortunate victims are abducted, and their families are kept in the dark, uninformed of their well-being or fate. Even worse, some of those who disappear are subject to torture and extrajudicial killing. Since 1980, there have been more than 51,000 enforced disappearances in more than 90 countries. More than 500 cases of enforced disappearance were registered last year alone.

Adopting the draft convention will help to prevent enforced disappearances and bring the perpetrators to justice. It will also provide justice for the victims and their families who have suffered. The draft convention also contains an innovative follow-up mechanism to ensure effective implementation. Moreover, the adoption of the draft convention will send a signal that the Human Rights Council can deliver concrete outcomes that have a worldwide impact. I hope that the General Assembly will be able to adopt the draft convention by consensus. I also call upon Member States to take, at the earliest opportunity, all necessary steps to ensure the full implementation of the draft convention.

We shall now take a decision on draft resolution I, entitled "International Convention for the Protection of All Persons from Enforced Disappearance". The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 61/177).

The President: I give the floor to the representative of the United Kingdom, who wishes to speak in explanation of position on the resolution just adopted.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

06-67270 (E)

Mr. Lee-Smith (United Kingdom): My delegation apologizes for taking up the Assembly's time to speak in explanation of position, but by this resolution a new international human rights instrument has been adopted, and it is important to my delegation that the interpretation of the United Kingdom of some of the Convention's provisions be placed on record at the time of adoption.

The United Kingdom welcomes the adoption of draft resolution I contained in document A/61/448. We particularly wish to pay tribute to the non-governmental organizations that made an enormous contribution to the process of agreeing upon a text. The representatives of the victims of disappearances from all regions have provided a constant reminder of the need for us to finish our work and provide a tool to combat that atrocious and ongoing practice.

That said, the United Kingdom wishes to place on record the following understandings on certain provisions of the instrument. In relation to article 2, the United Kingdom notes that the placing of a person "outside the protection of the law" is an important element of the definition of an enforced disappearance, additional to its other elements. As such, the United Kingdom considers that the definition of an enforced disappearance in article 2 comprises the following elements: first, an arrest, detention, abduction or any other form of deprivation of liberty; secondly, that such acts are committed by agents of the State or by persons or groups acting with the authorization, support or acquiescence of the State; thirdly, that the act is followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person; and fourthly, that the disappeared person is placed outside the protection of the law.

The United Kingdom understands the term "outside the protection of the law" to mean that the person's deprivation of liberty or detention is not within the scope of relevant domestic legal rules governing deprivations of liberty or detention, or that those rules are not compatible with applicable international law. Accordingly, the United Kingdom understands article 20, which permits restrictions to the provision of information as set out in article 18, to apply to all situations where a person is not "outside the protection of the law" — in other words, where that person is within the State's domestic legal rules governing deprivation of liberty or detention, consistent with applicable international law.

The United Kingdom also wishes to place on record its understanding of article 43 of the Convention. The United Kingdom understands this provision to confirm that a State party's obligations under international humanitarian law, including its obligations and rights under the Geneva Conventions of 1949 and their Additional Protocols of 1977, remain lex specialis in situations of armed conflict and other situations to which international humanitarian law applies. The United Kingdom understands this article to operate as a "savings clause" in order to ensure that, where applicable, the relevant provisions of international humanitarian law take precedence over any other provisions contained in the Convention.

Finally, in relation to article 25 (4), we understand that that article does not entail an obligation to provide a legal procedure which would lead to an automatic review of the adoption. We also understand that the article does not require the automatic annulment of an adoption which stems from an enforced disappearance. We interpret the article to require States parties to have a procedure or procedures providing a possibility to apply for review of an adoption covered by that article. Whether a review or annulment is in fact ordered will be an issue to be determined according to the applicable legal procedures in the State concerned.

The President: I now call on those representatives who wish to make statements following the adoption.

Ms. Lintonen (Finland): I have the honour to speak on behalf of the European Union. The acceding countries Bulgaria and Romania; the candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia; the countries of the Stabilisation and Association Process and potential candidates Bosnia and Herzegovina, Montenegro and Serbia; the European Free Trade Association country Iceland, member of the European Economic Area; as well as Ukraine and Moldova align themselves with this declaration.

The European Union welcomes the adoption by consensus of the International Convention for the Protection of all Persons from Enforced Disappearance as one of the major achievements of the General Assembly this year. We would therefore like to thank

all delegations for joining the consensus. The very high number of sponsors of the resolution through which the Convention was adopted by the Third Committee is very encouraging, in particular with a view to universal ratification of that new instrument.

For over 25 years, victims' families, non-governmental organizations, many Governments — especially the Government of France — and international organizations have undertaken continuous and unflagging efforts for the adoption by the United Nations of an international instrument against enforced disappearances in order to tackle that heinous and inhuman affliction. And finally, here we are.

The adoption of the Convention by the General Assembly is a significant step forward in the promotion and protection of human rights. The Convention recognizes the right not to be subjected to enforced disappearance, as well as the right of victims and their relatives to justice and reparation. Enforced disappearance is qualified as a crime both in peace and in wartime, and no exceptional circumstance, be it a state of war, internal political instability or any public emergency, may be invoked as a justification for enforced disappearance.

In the Convention, States parties pledge to criminalize enforced disappearances and, accordingly, to try the perpetrators and masterminds. Moreover, pursuant to the new instrument, States parties undertake to prohibit secret detention and unofficial places of detention, as well as to reaffirm their obligation to provide legal guarantees in cases of deprivation of liberty. Such legal commitments are key to preventing situations in which a person could be relegated to total vulnerability at the hands of the perpetrators of the crime, deprived of all of his or her rights, and placed outside the protection of the law.

The Convention also lays the ground for an obligation on the part of States parties to guarantee the victims' relatives the right to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person. By those means, we can at least alleviate the torture caused by endless waiting and uncertainty about the return of one's beloved.

In our view, the adoption of the Convention by consensus fills a substantial gap in international human rights law, and sends a strong political signal from the international community that this shameful and still widespread practice must come to an end. It also demonstrates the will of the international community to put a stop to impunity for that grave human rights violation. The European Union is fully convinced that the Convention will serve as a powerful tool to prevent enforced disappearances and torture and to fight impunity for those crimes in the future.

In that regard, the adoption of the instrument is not just a token of our achievement; it also denotes a new starting point. The next step is to ensure that the Convention comes into force as soon as possible. The European Union therefore calls on all States Members of the United Nations to consider signing the Convention at the signing ceremony to be held in Paris on 6 February.

Mr. De La Sablière (France) (*spoke in French*): France congratulates and thanks the Member States for the adoption by consensus of the International Convention for the Protection of all Persons from Enforced Disappearance.

This is an important text at the crossroads of human rights, international humanitarian law and international criminal law, which fills a legal void. Its adoption emphasizes once again the quality of the normative work of the General Assembly. The new instrument is emblematic of United Nations action to benefit each human being.

The Assembly's adoption of the Convention against enforced disappearance is the culmination of a struggle waged by victims' families for over 25 years. A new offence is recognized in international law, in peacetime as in wartime. The act of causing a person to disappear without any form of due process is what we call enforced disappearance.

On this historic day, let us remember a moment what forced disappearances meant in certain countries, especially in Latin America in the 1960s and 1980s. In practice, men, usually in civilian dress and armed, arrived at a person's home, generally a human rights defender or member of the opposition; they took that person away by force, without explanation, to an unknown place. There was no sign or news of this man or woman for many long days and weeks. When the relatives of the kidnapped person sought to inquire about the person's fate from the authorities, they were given no answer. In the best of cases an official inquiry would be opened; the inquiry was never successful or concluded with the release of the persons presumed guilty. Torture, and very often death, awaited the

disappeared person, whose rights were flouted and whose existence was passed over in silence. All too frequently, the family remained grief-stricken, sometimes for decades, in the agony of waiting and the uncertainty about a loved one's return; any closure from mourning was denied them. We therefore have at this moment an emotional thought for the victims' families — the mothers of the Plaza del Mayo in Argentina and the loved ones of more than 40,000 human beings whose disappearance has been recorded since 1980 in over 90 countries.

The shameful practice I have just described in the past tense is, unfortunately, not a practice of the past. We cannot present it to our children as a long-gone practice from a barbarous epoch. Enforced disappearance remains, unfortunately, a tangible reality. According to United Nations data, 535 people were victims in 2005, while 41,000 cases have been recorded around the world since 1980 and have still not been elucidated.

The drafting of the Convention we have just adopted was guided by two major requirements: prevention and justice.

The Convention is primarily an instrument of prevention. First, by acceding to the Convention, States will undertake to prohibit secret detentions and unofficial places of detention. They will also strengthen the procedural guarantees surrounding detention. Those are key commitments. Secondly, through the new treaty, the States parties will undertake to make enforced disappearance an offence and to bring to justice the perpetrators and those who ordered it. Lastly, an innovative international follow-up mechanism is established. The Committee on Enforced Disappearances, composed of 10 members, will assume a preventive function by making urgent appeals and by carrying out field visits if necessary. It may also, in the event of massive and systematic violations, alert the Secretary-General.

Thus, the Convention will be first an instrument of prevention. However, the new international instrument will also meet the requirement for justice. The relatives of a disappeared person will be able to claim their right to know the truth about the person's fate and the circumstances surrounding the disappearance. Victims and their families will be entitled to reparations for harm suffered. Lastly, any child adoption having its origin in an enforced disappearance will be illegal.

In order for the new treaty to enter into force as soon as possible — we hope by 2007 — I have the honour to announce that it will be open for signature and ratification to all Member States at a ceremony to be chaired by Mr. Douste-Blazy, the French Minister for Foreign Affairs, in Paris on February. The adoption of the Convention by consensus, with the support of over 100 sponsoring countries, allows us to hope that the new instrument will be ratified universally. It is in that spirit that we invite all Member States to be represented in Paris on 6 February.

Mr. Mayoral (Argentina) (*spoke in Spanish*): My delegation thanks you, Madam, for the opportunity to deliver this statement following the adoption by the General Assembly of the International Convention for the Protection of All Persons from Enforced Disappearance, an instrument of utmost importance to my country and its history. It is also a step forward for human rights, one of the pillars of our Organization.

The Convention is not only the result of the struggle of Member States and Governments, but has also involved the whole human rights movement for several decades. Argentina would like in particular to highlight the role played in that struggle by the organizations of civil society and by the associations of relatives and victims of human rights violations throughout the drafting, negotiation and approval of the instrument. In that context, I should like to make special mention of the efforts and sacrifices of the Grandmothers and Mothers of Plaza de Mayo from my own country.

The notion of the disappeared person is certainly one of the most horrific facts of the twentieth century. For Argentina, it has a particularly sad significance, since in the 1970s the military dictatorship systematically carried out that abhorrent practice. Worse yet, unfortunately, it was not possible for the former Human Rights Commission of the United Nations to condemn Argentina publicly, which undoubtedly undermined the Commission's credibility.

Far from belonging exclusively to yesterday's nightmares, disappearances are also a current terrible political fact. Some 40,000 cases were registered by 2005. Every day, men and women in all continents disappear, abducted by security forces of the State that later deny having them in custody.

We are convinced that the Convention, once in force, will be an essential tool in the prevention of such cases and in the fight against the scourge of enforced disappearances, putting an end to the suffering of many who today are facing the abuse of power by Governments with no choice but to give in to such abuses. Thus, the Convention will also serve to punish the perpetrators.

From the perspective of the progressive development of international human rights law, the Convention recognizes the right of all persons not to become victims of enforced disappearances; contains the first definition of the concept; includes a series of measures to investigate disappearances and to bring those responsible to trial; establishes that the systematic practice of this crime constitutes a crime against humanity; and acknowledges the right to reparation, justice and the truth.

We hope that the adoption of the Convention will be not the end of the road, but the beginning of a new phase in the promotion and protection of human rights and a tangible step forward in the fight against impunity. Therefore, on behalf of my country, I urge all Member States to participate in the signing event that will take place in Paris on February 6, and all their Parliaments subsequently to ratify it.

Mr. Muñoz (Chile) (*spoke in Spanish*): Jaime Robotham was a friend from secondary school, the Liceo de Aplicación in Santiago de Chile, many decades ago. He was a happy young man, intelligent and a good football player. We called him "Baldy" because even as a teenager he had a receding hairline. The study hours shared with him and other friends were always an adventure, as Jaime invented games and made us dream.

I did not see him for many years after we left secondary school. I heard that just, like me, he was a supporter of President Salvador Allende. I did not receive any news about him until after the military coup in 1973, with the appearance of a fatidic list of disappeared persons in July 1975. He had been detained and tortured towards the end of 1974. Jaime was included in a shameful intelligence operation carried out by the Chilean dictatorship and other dictatorships of neighbouring countries to obfuscate his disappearance and those of more than 100 other people as if they had died fighting one other in Argentina. The fake list was published in magazines in Brazil and Argentina. Both magazines, until then unknown, published only one edition and then ceased to circulate. That was a clear demonstration that enforced disappearance crossed borders and was an international crime. Until today, the mortal remains of my friend have not been found.

That is why today is an important day for human rights. The adoption of the International Convention for the Protection of All Persons from Enforced Disappearance represents the culmination of years of work by Governments, governmental organizations and civil society to combat the scourge of enforced disappearance.

A tool of repression and political control, enforced disappearance spread across the Latin American continent as an inherent component of the actions of the military dictatorships of the 1970s and 1980s. In my country alone, 1,200 cases of enforced disappearance were documented during the Pinochet dictatorship. Enforced disappearance was always accompanied by other crimes, such as torture and extrajudicial execution.

For my country, the General Assembly's adoption of this Convention reflects a profound sense of ethics and historical acknowledgement, because it addresses a reality that, prior to the restoration of democracy in Chile in 1990, affected hundreds of our compatriots on the sole basis of political dissent. As the President of Chile, Ms. Michelle Bachelet, stated on 30 August 2006 when declaring the National Day of the Detained and Disappeared:

> "The cruelty of forced disappearance is incommensurable. It is not just illegal arrest, not just torture — which is a crime against humanity in itself — not just summary execution without due process, not just extermination. Disappearance is not just a cowardly way of trying to hide a murder; it is a way of perpetuating the pain of the victims' families, depriving them of mourning and creating uncertainty that, for hundreds of families, will last for years. And, of course, it is all the more serious when this is carried out as part of State policy."

The Convention that we have just adopted fills an important gap in international law, which had not envisaged a specific convention to combat enforced disappearance. The Convention stipulates that no one

shall be subjected to enforced disappearance. This is enshrined as an absolute right without exceptions, even under exceptional constitutional circumstances. It appropriately characterizes the widespread or systematic practice of enforced disappearance as a crime against humanity.

The Convention places due emphasis on the aspects of prevention of enforced disappearance through provisions such as a prohibition on secret detention; a guarantee that deprivation of liberty will take place in officially recognized and supervised places of deprivation of liberty; an obligation to investigate until the fate of the disappeared person is established; and an obligation to take measures to ensure that enforced disappearance constitutes an offence under criminal law, to ensure access to persons deprived of liberty in all circumstances and to ensure the right to a prompt and effective judicial remedy, which may not be suspended or restricted in any circumstances.

Within the set of recognized rights, we highlight the right to obtain information on persons deprived of liberty and the right of all victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person. The latter right is intended to respond to one of the most heartfelt demands of the families of disappeared persons.

In our view, the establishment of a Committee on Enforced Disappearances, responsible for implementing the provisions of the Convention, is an appropriate institutional option that will undoubtedly have an impact on the Convention's effectiveness.

In short, we believe that the Convention is sufficiently well equipped to impose specific obligations on States to protect the rights of victims and their families.

"The forgotten past is full of memories" is a phrase inscribed on a monument in a former secret prison in Santiago, where hundreds of Chilean women and men disappeared and were murdered. To them, we dedicate as a modest tribute the Convention that we have adopted today, reaffirming the commitment of the Government of Chile to the fight against enforced disappearance.

Mr. Takase (Japan): My delegation would like to congratulate the Assembly on its adoption by consensus of the International Convention for the Protection of All Persons from Enforced Disappearance. The Government of Japan strongly supports the idea that no one shall be subjected to enforced disappearance, as stipulated in article 1 of the Convention.

It is for that reason that we participated actively in the elaboration of this important document and that we are satisfied with the text we have produced. Our interpretation of the Convention was made clear when we adopted the draft text in the Third Committee. We highly appreciate the sustained efforts of all interested parties, especially the delegation of France, to bring our work to a successful conclusion.

Enforced disappearance is a terrible and hideous crime. Today, we gain a valuable legal tool to combat it. My delegation believes that the international community must make the best use of this tool in order to ensure that enforced disappearance is no longer committed anywhere in the world and to bring its victims back to their families.

Mr. Romero-Martínez (Honduras) (*spoke in Spanish*): Today, we have participated in the adoption of a Convention that we regard as historic. Honduras is very pleased to have the honour to be a sponsor of the draft resolution by which the Assembly adopted this important Convention. We believe that we have taken a very significant step forward in international law today.

We believe that our States and Governments are undertaking a great commitment with full awareness and responsibility. Those terrible nights and days in our countries — days of horror and terror — must be left behind. That is why the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance is the beginning of a new phase in the genuine realization of human rights and the end of impunity.

For our new democracies, this is a very significant step forward in guaranteeing freedoms. We congratulate all those — particularly the members of civil society, the non-governmental organizations, the States, the organizations and the individuals — who were involved in the long process that was completed today. Today is a day to be remembered in the hearts and minds of all democrats, all who cry out for greater

justice and all those of us who hope for a world that is free, just and without human rights violations.

We hope that through the signing of this Convention, this crime against humanity will be eliminated once and for all.

Mr. Sin Song Chol (Democratic People's Republic of Korea): Today, we adopted the International Convention for the Protection of All Persons from Enforced Disappearance. My delegation would like to avail itself of this opportunity to mention its views for the sake of better understanding among all delegations on the matter.

First of all, the abduction issues that Japan has so vainly tried to get support for on every occasion are those that are already fully resolved, thanks to the Democratic People's Republic of Korea's sincere and humanitarian measures and endeavours. Thus, they do not need to be discussed any further. The abduction issue is abused by right-wing political forces in Japan solely to realize their political ambitions, and thus has nothing substantially to do with human rights. The only reason why Japan is so obstinate on the already resolved abduction issue is to cover up its crimes committed during the 40-odd years of its occupation of Korea, forcibly drafting and abducting 8.4 million Koreans and forcing sexual slavery upon 200,000 women and girls.

The reason why my delegation is today pointing out those facts is to cite one example that has recently arisen. My delegation takes this opportunity to inform all delegations of the following most vivid and recent case of abduction of a citizen of the Democratic People's Republic of Korea by Japanese. I quote a letter sent by Mr. Kim to the Democratic People's Republic of Korea Education Commission on 30 April 1992, right after he was reported missing:

> "I am Kim Thae Yong, room chief of Kim Hyong Jik University of Education, and had been teaching the Korean language in Yuzhno Sakhalinsk in Sakhalin Province of the Russian Federation. I was taken here while making arrangements for a trip to my country after I was told late in December of last year to celebrate the New Year's Day there. I was instructed to write a programme for teaching Japanese the Russian and Korean languages and methods of teaching them. Those who instructed me to do so are well informed of me. They say they will let me go back only after Korea is reunified. I have written to the best of my ability despite the high blood pressure that torments me. I fell unconscious due to a serious attack of brain haemorrhaging early in the morning of last 16 February. Though my trouble has passed the critical point, I remain completely paralyzed on the left half of my body. I am under treatment with a Japanese family at present. They say I am in Sapporo in Hokkaido, but it is a place far from human habitation. It is my assumption that I am in a place farther away from Sapporo. They seem to be doing their best to cure me so that I may finish my writings. I tried to let you know about my situation as quickly as possible, but there was no way. I am under strict control to prevent me from getting in touch with the outside world. I am writing this letter unobserved by anyone. An old person who cooks for me is sympathetic to me, who am in the grip of anxiety and unable to eat. The old person is kind-hearted. It is hard to believe that this letter will reach my country. It may be my last chance. I long to see the country where I was born and grew up and very much miss my trustworthy disciples and comrades and the beloved members of my family, who eagerly await me. I swear I will remain true to the beloved country to the last moments of my life. Best regards. 30 April, 1992."

Stamped on the envelop of the letter was the symbol "6.V.92 12-18 Japan HOKKAIDO WAATSU", part of the designation of a Japanese post office.

The members of Kim's family have since made painstaking efforts to learn his whereabouts through various channels. They have repeatedly asked the Japanese side to settle the points raised as soon as possible, extremely worried about their father, who was well above 70 years old.

Through the bilateral channels of the Red Cross Societies, the Democratic People's Republic of Korea asked Japan to render cooperation in finding Kim's whereabouts, at the request of his family. So far, however, no sincere or concrete cooperation and answer have been received from Japan at all. The insincere approach taken by Japan towards the issue of probing the case is intolerable both from the basic humanitarian point of view and from the standpoint of improving bilateral relations between the Democratic People's Republic of Korea and Japan.

We strongly condemn this case as a serious infringement on the sovereignty of the Democratic People's Republic of Korea, as Kim, an able linguist of the Democratic People's Republic of Korea, has been lured away and abducted by Japan. We once again strongly urge Japan, which has so welcomed the adoption of the Convention today, to exert sincere efforts to ensure that the truth behind the case is thoroughly probed and clarified so as to help the members of Mr. Kim's family realize their desire for reunion with him as early as possible. We also request Member States' kind assistance in pressing Japan to settle the current case of enforced disappearance and to return the victim to his native home.

The President: I call on the representative of Bangladesh on a point of order.

Ms. Ahmed (Bangladesh): I apologize for taking the floor at this stage on a point of order.

My delegation joined the consensus in the adoption of resolution 61/177 on the International Convention for the Protection of All Persons from Enforced Disappearance. We wish to thank all interested delegations, particularly the delegation of France, for their role in that regard.

The name of my country has been erroneously recorded in the list of sponsors of the resolution. I seek your kind indulgence in requesting its deletion, Madam, and my delegation hopes that the correction will be duly reflected in the final document.

The President: I give the floor to the representative of Japan, who has asked to speak in exercise of the right of reply.

Mr. Takase (Japan): My delegation should like to exercise its right of reply to the statement made by the representative of the Democratic People's Republic of Korea.

My delegation regrets very, very much that the delegation of the Democratic People's Republic of Korea has again made a false allegation on the issue of abduction, especially on this important day, when we have adopted the important International Convention for the Protection of All Persons from Enforced Disappearance.

As my delegation has repeatedly explained, all such allegations made by the Democratic People's Republic of Korea are unsubstantiated and the figures are exaggerated. My delegation cannot accept all such allegations. This morning, my delegation would like to make it clear again that the Government of Japan has never been involved in any abduction of any nationals.

Lastly, I would like to reiterate once again that, with the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance, the world community should make the best use of that tool in order to ensure that enforced disappearance is no longer committed anywhere in the world.

The President: I give the floor to the representative of the Democratic People's Republic of Korea to speak in exercise of the right of reply.

Mr. Sin Song Chol (Democratic People's Republic of Korea): My delegation really did not wish to take the floor at this time, but we have been somewhat compelled to do so.

The abduction issue has already been cleared up thanks to the sincere efforts of the Government of the Democratic People's Republic of Korea. The abduction issue has been somehow and purposely internationalized by the Japanese because they really wish to abuse it for their political agenda. It is so well known to the world that my delegation does not really wish to repeat it again at this moment.

The Japanese delegation referred to the so-called unsubstantiated allegation of my delegation regarding the recent abduction, saying that Japan is not at all involved in such cases of enforced disappearance. However, with respect to the case that I referred to in my statement, I should like to read out a part of the statement issued by our Ministry for Public Security this year, in order to make it very clear that cases of abduction of citizens of the Democratic People's Republic of Korea by Japanese nationals are quite real:

(*spoke in French*)

> "Japanese provocations against the Democratic People's Republic of Korea have recently intensified. Right-wing reactionary forces in Japan are calling for the imposition of sanctions and are fanning hostility against the Democratic People's Republic of Korea with respect to the issue of abductions, which has already been resolved. They are also continuing their unprecedented repression of Koreans residing in Japan. Moreover, with the

manipulation of the United States and Japanese intelligence and plot-breeding agencies and other right-wing conservative forces, anti-Democratic People's Republic of Korea organizations and individuals have abducted some of our fellow citizens in broad daylight by masquerading as non-governmental organizations supposedly providing humanitarian assistance.

"We consider such acts to be serious violations of our national sovereignty and the sovereignty of our citizens, and part and parcel of a conspiracy to overthrow our country's regime. Among its first measures in response, the Ministry has issued arrest warrants for members of a Japanese non-governmental organization, including Fumiaki Yamata, Hiroshi Kato and Takayuki Noguchi, in accordance with the relevant articles of criminal law and criminal procedure law of the Democratic People's Republic of Korea. They worked in secret operations to lure and abduct citizens of the Democratic People's Republic of Korea, including those who had returned to their homeland from Japan, their children and Japanese women living in the Democratic People's Republic of Korea.

"Through diplomatic channels, we have demanded that the Japanese Government extradite those criminals. The Ministry, which is responsible for protecting and defending our system and the lives and property of our people, will take the measures necessary to that end in territory under the sovereignty of the Democratic People's Republic of Korea and wherever cooperation is possible."

That statement of the Ministry of Public Security fully demonstrates that the case referred to in the statement made by my delegation earlier is in no way a mirage. It is a real, concrete fact of which the world is not aware. We now wish to bring it to the international community's attention.

(*spoke in English*)

The abduction issue is not solely one of abductions by citizens of the Democratic People's Republic of Korea. The abduction issue was created long ago by the Japanese and has a very long history that has not been forgotten by the Korean people. Appropriate compensation and apologies from the Japanese Government are still due. How could that country, Japan, dare to welcome the adoption of this very important Convention when it has dared to do such inhumane and anti-humanitarian acts? Those are considered crimes, and if the Japanese really wish to cover up their past and to sustain their crimes like that, the Democratic People's Republic of Korea will take every measure possible to let the international community know everything about those cases and to take every possible measure within its scope to settle all those issues and to get its citizens back to their country.

The President: I give the floor to the representative of Japan to speak again in exercise of the right of reply.

Mr. Takase (Japan): My delegation reiterates first that the Government of Japan has never, ever been involved in any abduction of any nationals. Secondly, as for the issue of the past, we have repeatedly made our position clear, so I will not repeat it this morning. However, we should like to say once again that the Democratic People's Republic of Korea should not confuse a past issue that has already been resolved with the abduction of Japanese citizens that has not yet been resolved.

The Government of Japan can never accept the statement made by the representative of the Democratic People's Republic of Korea to the effect that the issue of the abduction of Japanese citizens is resolved. The issue is not resolved. There are at least 17 Japanese nationals who have been abducted by the North Korean authorities. Five of them have been returned to Japan, but the fate of the rest of the victims is not yet known.

The Government of Japan would like to urge the authorities of the Democratic People's Republic of Korea to respond sincerely to the inquiries of my Government and to reveal the whereabouts of the rest of the victims.

Again, I would like to reiterate that the Government of Japan can never accept the allegation made by the delegation of the Democratic People's Republic of Korea that the issue of the abduction of Japanese citizens is resolved. It is not resolved, and we urge the authorities of the Democratic People's Republic of Korea to respond sincerely to this issue.

The President: I call on the representative of the Democratic People's Republic of Korea to speak again in exercise of the right of reply.

Mr. Sin Song Chol (Democratic People's Republic of Korea): I am sorry to take the floor again, but my delegation would like to exercise its second right of reply just because the Japanese delegation has tried to cover up and evade its legal and historical responsibility and accountability to liquidate its past crimes. The past crimes, they say, are unsubstantiated, but there are still many elderly people in Korea who remember vividly the crimes that were committed by the Japanese military during its occupation of Korea. That cannot be forgotten so easily, unless some disaster should happen.

I think that the Japanese delegation, instead of commenting wrongly, with false information and not on the basis of realities, should try to sincerely apologize, which it strives not to do. But the Japanese should do their utmost to compensate and duly apologize to the Korean people. That is the only thing we ask of them, but they are trying to evade that responsibility, which is a historical duty and obligation of Japan.

About the cases of abduction of citizens of the Democratic People's Republic of Korea by the Japanese, they are also a de facto reality. They are not known to the world because the Japanese exercise their influence through money and by exerting political pressure on other countries not to recognize that reality.

When we consider the issue of enforced disappearance, we must acknowledge that it is very important to liquidate such crimes, but we should certainly not tolerate any act of compelling other nations not to recognize all the forced drafting and abduction of a nation's people — in particular, the Korean people — by Japan in the past, at present and — who knows? — in the future. It could happen again. That should not be forgotten, and the international community, instead of taking Japan's side because of its influence, should also strongly ask Japan to duly compensate and apologize to the Korean people for what it has done and what it is doing.

That is my delegation's last word.

The President: We shall now take a decision on draft resolution II, entitled "Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Australia, Bahamas, Bahrain, Barbados, Belarus, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Indonesia, Iraq, Jamaica, Kazakhstan, Kenya, Kiribati, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, New Zealand, Niger, Nigeria, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

None

Abstaining:

Albania, Andorra, Argentina, Armenia, Austria, Azerbaijan, Bangladesh, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Marshall Islands, Mexico, Moldova, Monaco, Montenegro, Nauru, Nepal, Netherlands, Nicaragua, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal,

Qatar, Republic of Korea, Romania, Samoa, San Marino, Senegal, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay

Draft resolution II was adopted by 85 votes to none, with 89 abstentions (resolution 61/178).

[Subsequently the delegation of Saudi Arabia advised the Secretariat that it had intended to abstain.]

The President: The General Assembly has thus concluded this stage of its consideration of agenda item 68.

Agenda item 67 (*continued*)

Promotion and protection of human rights

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Report of the Third Committee (A/61/443/Add.4)

The President: May I take it that the Assembly wishes to take note of the report of the Third Committee (A/61/443/Add.4)?

It was so decided.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (d) of agenda item 67?

It was so decided.

Agenda item 98

Crime prevention and criminal justice

Report of the Third Committee (A/61/444)

The President: The Assembly has before it four draft resolutions recommended by the Third Committee in paragraph 25 of its report (A/61/444) and one draft decision recommended by the Committee in paragraph 26 of the same report. We will now take a decision on draft resolutions I to IV, one by one, and on the draft decision.

Draft resolution I is entitled "International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims". The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution I was adopted (resolution 61/179).

The President: Draft resolution II is entitled "Improving the coordination of efforts against trafficking in persons". The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 61/180).

The President: Draft resolution III is entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity". The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution III was adopted (resolution 61/181).

The President: Draft resolution IV is entitled "United Nations African Institute for the Prevention of Crime and the Treatment of Offenders". The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution IV was adopted (resolution 61/182).

The President: We now turn to the draft decision, entitled "Documents considered by the General Assembly in connection with the question of crime prevention and criminal justice". May I take it that it is the wish of the General Assembly to adopt the draft decision recommended by the Third Committee?

The draft decision was adopted.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 98?

It was so decided.

Agenda item 99

International drug control

Report of the Third Committee (A/61/445)

The President: The Assembly has before it a draft resolution recommended by the Third Committee in paragraph 12 of its report (A/61/445). We will now take a decision on the draft resolution, entitled "International cooperation against the world drug problem". The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 61/183).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 99?

It was so decided.

Agenda item 110 (*continued*)

Revitalization of the work of the General Assembly

Report of the Third Committee (A/61/446)

The President: The Assembly has before it a draft decision recommended by the Third Committee in paragraph 5 of its report (A/61/446). We will now take action on the draft decision. The Third Committee adopted the draft decision, entitled "Programme of work of the Third Committee for the sixty-second session of the General Assembly". May I take it that the Assembly wishes to do the same?

The draft decision was adopted.

The President: The General Assembly has thus concluded this stage of its consideration of agenda item 110.

Agenda item 118

Programme planning

Report of the Third Committee (A/61/447)

The President: The Assembly has before it a draft decision recommended by the Third Committee in paragraph 6 of its report (A/61/447). We will now take action on the draft decision. The Third Committee adopted it. May I take it that the Assembly wishes to do the same?

The draft decision was adopted.

The President: The General Assembly has thus concluded this stage of its consideration of agenda item 118.

The meeting rose at 11.35 a.m.